

**RHÔNE-POULENC RORER**

**RHONE-POULENC RORER INC.**  
P.O. Box 5093, Mail Stop 3C43  
500 ARCOLA ROAD  
COLLEGEVILLE, PA 19426-0997

Paul F. Fehlner, Ph.D., Esquire  
Patent Counsel Biotech

TEL: 610-454-3839  
FAX: 610-454-3808

**TELECOPIER COVER PAGE**

TO: EXAMINER S. ZISKA, GROUP 1804

FAX #: 703-305-3014

FROM: PAUL F. FEHLNER, PH.D.

FAX #: (610) 454-3808

DATE: March 23, 1998

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In Re Application of: Perricaudet et al.  
Serial No. 08/397,225  
International Filing Date: 08 July 1997  
RPR Docket No. EX93015G1-US

Attached please find a copy of an Amendment Under 37 CFR §1.116.

**THIS PAPER IS SUBMITTED FOR FILING.**

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: Perricaudet, et al. Group Art Unit: 1804  
 Serial No.: 08/397,225 Examiner: A. Milne  
 International Filing Date: 08 July 1994

For: DEFECTIVE ADENOVIRUS VECTORS AND USE THEREOF IN GENE THERAPY

To: Assistant Commissioner of Patents  
 Washington, D.C. 20231

TO: Examiner S. Ziska  
 Facsimile No.: (703) 305-3014  
 ASSISTANT COMMISSIONER FOR PATENTS  
 WASHINGTON, D.C. 20231

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AMENDMENT UNDER 37 CFR §1.116

In response to the final Office Action dated December 23, 1997, and in accordance with Rule 116 of the Rules of Practice, please consider the following amendments and remarks. The present amendments are necessary to correct formal errors in the claims, and to put the claims in condition for allowance or appeal, if the latter is necessary.

AMENDMENTIN THE CLAIMS

Please amend the claims as follows:

36. (amended) A defective recombinant adenovirus comprising  
 ITR sequences,  
 an encapsulation sequence, and  
 a heterologous DNA sequence,

wherein the E4 genes have been rendered non-functional by modifications outside the coding region.